

REMARKS

The present Supplemental Response is filed in further response to the Office Action dated June 16, 2006. Claims 1-10, 14-26, 28, 31-44, 46-61 are present in this case. Claims 56-61 were withdrawn as being directed to a non-elected invention. No amendments are made herein.

In the Office Action, the Examiner stated that the affidavit under 37 C.F.R. § 1.132 filed February 24, 2006 was insufficient to overcome the rejection of claims based upon 35 U.S.C. § 112, first paragraph, as set forth in the last Office Action because Dr. Shawn Iadonato is of extraordinary skill in the art (affidavit, points 1, 2, and 3) and for other reasons as follows:

- a. The affidavit allegedly did not establish when the disclosed procedures and experimentation were performed, and therefore did not demonstrate that the claimed invention was enabled at the time of filing in the instant application.
- b. The disclosed procedures and experimentation in the affidavit required the use of a URU population (affidavit, page 2, point 7, line 2). Independent claims 1, 20 and 41 do not recite any requirement for the use of a URU population.
- c. The claims are broad in that they are drawn to identifying a drug target associated with a disease, without any limitation to what disease is targeted. The affidavit allegedly supports only the identification of a drug target for hepatitis C.

A new affidavit of Dr. Shawn Iadonato was submitted with the amendment filed on December 18, 2006. Dr. Iadonato's new affidavit attested to the fact that the first time the claimed methods were applied to a study population, a mutation that correlated with resistance to Hepatitis C was discovered. The affidavit attested to the applicability of the claimed methods to identifying a mutation by comparing ARA and ARU populations. To the extent that the previously submitted affidavit of Dr. Shawn Iadonato was deemed not to be persuasive, applicants argued on December 18, 2006, that the new (second) affidavit overcame those concerns.

During prosecution of a related Japanese patent application, applicants provided a copy of Dr. Iadonato's second affidavit to the associates for possible use in responding to an office action in Japan. The Japanese Patent Office cited two

references, both of which have been made of record in this application in a supplemental IDS filed on February 8, 2007.

In the course of reviewing Dr. Iadonato's second affidavit filed with the response dated December 18, 2006 in the present case, applicants noted the need to clarify certain statements. A new signed affidavit is filed herewith. The section that has been clarified is found at paragraph 9, lines 3-5, and states as follows:

The mutation affects a gene involved in the interferon pathway; the gene encodes a protein known as OAS1. Using the information that mutated forms of OAS1 were homozygously expressed significantly more frequently in the ARU group as compared with the ARA group, we developed an optimized form of the protein derived from the mutated gene and tested it in an *in vitro* model of HCV infection; this protein corresponds to the therapeutic of the specification and the claims.


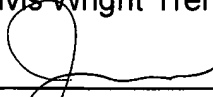
These revisions do not affect the arguments put forth in the response filed on December 18, 2006, and applicants submit the new affidavit herein for consistency among the applications of this family. Applicants also point out a minor correction to the grammar at line 4 in paragraph 10 ("...as it is in fact a major breakthrough") which does not affect the meaning of the statement.

If fees are believed necessary, the Commissioner is further authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258. A duplicate copy of this document is enclosed.

In view of the above amendments and remarks, the applicants respectfully request reconsideration and allowance of the application. If questions remain regarding

the present application, the Examiner is invited to contact the undersigned at (206) 628-7650.

Respectfully submitted,
Charles L. Magness and Shawn P. Iadonato
Davis Wright Tremaine LLP



Jane E. R. Potter
Registration No. 33,332

2600 Century Square
1501 Fourth Avenue
Seattle, Washington 98101-1688
Phone: (206) 628-7650
Fax: (206) 6628-7699